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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/714,315	11/14/2003	Kurt M. Sanger	82648ANAB	2748
<div>7590 Mark G. Bocchetti Patent Legal Staff Eastman Kodak Company 343 State street Rochester, NY 14650-2201</div>			<div>EXAMINER NGUYEN, LAM S</div>	
			<div>ART UNIT 2853</div>	<div>PAPER NUMBER</div>
			<div>MAIL DATE 08/16/2007</div>	<div>DELIVERY MODE PAPER</div>

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/714,315

Applicant(s)

SANGER, KURT M.

Examiner

LAM S. NGUYEN

Art Unit

2853

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 February 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1 and 2 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1 and 2 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 14 November 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 01/24/2007 has been entered.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

1. Claim 1 is rejected under 35 U.S.C. 103(a) as being unpatentable over the applicant's admission as prior art in view of Schuppan (US 20030076515) and Barry et al. (US 5309246).

The applicant's admission as prior art illustrated in FIG. 1 teaches a method for printing a halftone digital image on both a printing press (*element 80*) and a color proofer (*element 65*) comprising:

making a printing plate from a binary digital data (*element 75*);

making a press sheet (*element 85*) using said printing press (*element 80*) with said printing plate (*elements 80, 85*),

transmitting a binary digital data to said color proofer (*element 60*); and

printing a halftone color proof on said color proofer (*element 65*).

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- The applicant's admission as prior art, however, does not teach using the same binary digital data for printing press and color proofing. (*Note that as shown in FIG. 1, two RIPs (30 and 40) each individually provides a binary digital data to each printing press and color proofer*).

Schuppan teaches a screened printing apparatus for digitizing the plate-making process and preparing proof sheets, in which the same binary digital data (*FIG. 1A: Output of element 503*) is from a RIP (*FIG. 1A, element 502*), screened (*FIG. 1A, element 503*), and used for printing press (*FIG. 1A, element 505*) and color proofing (*FIG. 1, element 104*).

Therefore, it would have been obvious for one having ordinary skill in the art at the time invention was made to modify the prior art method admitted by the applicant to process the digital data by the same unit of RIP to provide the same binary digital data for printing press and printing proof as suggested by Schuppan. The motivation for doing so would have been to possibly create true-to-color proofs from digital printing data which are already in the screened form suitable for the subsequent printing as taught by Schuppan (*paragraph [0045]*).

- Furthermore, the applicant's admission as prior art also does not teach sending said binary digital data to a dot-gain processor for conditioning said binary digital data to introduce a predetermined level of dot-gain and then transmitting said conditioned binary digital data to said color proofer.

Barry et al. discloses a technique for use in a direct digital color proofing system in which a binary image data (*FIG. 2, element 205: IMGAE DATA*) is sent to a dot-gain processor (*FIG. 2, element 220*) for conditioning the binary image data with DOT GAIN elements (232, 234, 236,

238) to introduce a predetermined level of dot-gain before transmitted to a color proofer (*FIG. 5A-B, element 500: DIRECT DIGITAL COLOR PROOFING (DDCP) SYSTEM*).

Therefore, it would have been obvious for one having ordinary skill in the art at the time invention was made to modify the prior method admitted by the applicant to condition the binary data with a dot gain processor as disclosed by Barry et al. The motivation for doing so would have been to be able to set parameters of the proofing engine so as to produce the corresponding writing spot with a proper level of darkness and hence vary the solid area density of each component halftone dot as taught by Barry et al. (*column 8, lines 38-45*).

2. Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over the applicant's admission as prior art in view of Schuppan (US 20030076515) and Barry et al. (US 5309246), and further in view of Dohnomae (US 6072588).

The applicant's admission as prior art, as modified, discloses the claimed invention as discussed above except wherein said binary digital data is conditioned by convolution with a spatial filter.

Dohnomae discloses a method of an apparatus for generating proof in which an image bit map data (binary digital data) used to generate a proof for a printed color document is processed (convoluted) with a filtering process for cutting off a spatial frequency response (spatial filtering) (*column 4, lines 20-32*).

Therefore, it would have been obvious for one having ordinary skill in the art at the time invention was made to modify the process disclosed by the applicant's admission as prior art, as modified, to process the binary digital data by a spatial filter as disclosed Dohnomae et al. The

motivation for doing so would have been to generate a proof in an accurate representation of the colors of a printed color document as taught by Dohnomae (*column 4, lines 33-35*).

Response to Arguments


Applicant's arguments with respect to claim 1-2 have been considered but are moot in view of the new ground(s) of rejection.

Contact Information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to LAM S. NGUYEN whose telephone number is (571)272-2151. The examiner can normally be reached on 7:00AM - 3:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, STEPHEN D. MEIER can be reached on (571)272-2149. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


LAM SON NGUYEN